

# **EXHIBIT R**

# Estate of Gaetano Borello

# VCF Documentation



September 11th  
Victim Compensation Fund

March 26, 2019

ANN BORELLO

[REDACTED]  
[REDACTED]

Dear ANN BORELLO:

The September 11th Victim Compensation Fund ("VCF") has reviewed your Eligibility Form. You submitted an Eligibility Form on behalf of GAETANO BORELLO. Your claim number is VCF0037628. Your Eligibility Form was determined to be substantially complete on March 25, 2019. As stated in the Regulations and on the claim form, by filing a substantially complete Eligibility Form, you have waived your right to file or be a party to a September 11th-related lawsuit on behalf of the decedent and his or her survivors.

### **The Decision on your Claim**

The VCF has determined that the decedent has met the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center ("WTC") Health Program, the decedent has been found eligible for the following injuries:

- MALIGNANT NEOPLASM - MULTIPLE MYELOMA

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Additionally, your injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or the amount of your award.

### **What Happens Next**

**If the decedent was certified for treatment by the WTC Health Program for a condition not listed above**, you should amend your claim. Please see the VCF website for details on how to amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision.

**If you believe the decedent had eligible injuries not treated by the WTC Health Program** and you would like the VCF to consider those injuries before calculating the amount of any compensation, you should amend your claim. If you choose to amend your claim, you will need to use the VCF Private Physician process. The Private Physician process is a way for the VCF



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to gather the required information about the decedent's treatment in order to process your claim. All forms are available on the VCF website under "Forms and Resources." The website also includes detailed information and instructions on the Private Physician process.

**If the decedent did not have injuries other than those listed above,** you should submit your Compensation Form and required supporting materials. If you have already submitted your Compensation Form, you do not need to take any action at this time unless you receive a request from the VCF for missing information. The VCF will calculate the amount of any compensation based on the conditions listed above after all compensation-related documents are submitted.

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: WENDELL TONG



September 11th  
Victim Compensation Fund

December 4, 2019

ANN BORELLO  
C/O WENDELL TONG  
SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, PC  
120 BROADWAY 18TH FLOOR  
NEW YORK NY 10271

Dear ANN BORELLO:

The September 11th Victim Compensation Fund ("VCF") sent you a letter on August 15, 2019 notifying you of the decision on your claim and the amount of your award. Your claim number is VCF0037628. That letter included a request for documents that were missing from your claim and are required in order to process your payment. The VCF has since received the requested documents and this letter provides the details of your award and information on the next steps to be taken on your claim.

Based on the information you submitted, the VCF has calculated the amount of your award as [REDACTED]. This determination is in accordance with the requirements of the VCF Permanent Authorization Act. The enclosed "Award Detail" includes a detailed explanation of the calculation and a list of the eligible conditions included in this determination.

The VCF has determined that the loss of your husband's FDNY pension benefits, which terminated at his death, is not a loss compensable by the VCF. That said, the Special Master recognizes the fairness disparity in a process whereby former first responders, such as your husband, who responded to the WTC site in the wake of the attacks, do not qualify for Line of Duty death designations from their former employers because they were not officially deployed to the response effort. Based on the circumstances presented in your claim, and in the discretion of the Special Master, your compensation award includes a lump sum economic loss award.

No non-routine legal service expenses are approved for reimbursement for this claim.

As the Personal Representative, you are required to distribute any payment received from the VCF on behalf of the victim to the eligible survivors or other recipients in accordance with the applicable state law or any applicable ruling made by a court of competent jurisdiction or as provided by the Special Master.

### **What Happens Next**

The VCF will deem this award to be final and will begin processing the payment on your claim unless you complete and return the enclosed Compensation Appeal Request Form within **30 days from the date of this letter** as explained below. If you do not appeal, the Special Master will authorize the payment on your claim within 20 days of the end of the 30-day appeal period. Once the Special Master has authorized the payment, it may take up to three weeks for the United States Treasury to disburse the money into the bank account



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designated on the VCF ACH Payment Information Form or other payment authorization document you submitted to the VCF.

- **Appealing the Award:** You may request a hearing before the Special Master or her designee if you believe the amount of your award was erroneously calculated or if you believe you can demonstrate extraordinary circumstances indicating that the award does not adequately address your claim. **If you choose to appeal, your payment will not be processed until your appeal has been decided.**

To request a hearing, you must complete and return the enclosed Compensation Appeal Request Form **and** Pre-Hearing Questionnaire no later than **30 calendar days** from the date of this letter. The VCF will notify you in writing of your scheduled hearing date and time and will provide additional instructions to prepare for your hearing. If both forms are not submitted with complete information within 30 days, you have waived your right to appeal and we will begin processing your payment.

- **Amending your Claim:** You may amend your claim in the future if your circumstances change and you have new information to provide to the VCF that you believe warrants additional compensation. The VCF website has important information about the specific circumstances when it is appropriate to request an amendment. For more information and examples of such situations, please refer to "Section 5 – Amendments" in the VCF Policies and Procedures document available under "Forms and Resources" on the VCF website. Please review the information carefully when deciding whether to amend your claim. If you submit an amendment, the VCF will review the new information and determine if it provides the basis for a revised decision.
- **Notifying the VCF of new Collateral Source Payments:** You must inform the VCF of any new collateral source payments you receive, or become entitled to receive, such as a change to your disability or survivor benefits, as this may change the amount of your award. If you notify the VCF within 90 days of learning of the new collateral source payment, your award will not be adjusted to reflect the new entitlement or payment. If you notify the VCF more than 90 days after learning of the new or revised entitlement or payment, the VCF may adjust your award to reflect the new payment as an offset, which may result in a lower award. If you need to notify the VCF of a new collateral source payment, please complete the "Collateral Offset Update Form" found under "Forms and Resources" on the [www.vcf.gov](http://www.vcf.gov) website.

Your award was calculated using our published regulations, and I believe it is fair and reasonable under the requirements of the VCF Permanent Authorization Act. As always, I emphasize that no amount of money can alleviate the losses suffered on September 11, 2001.

If you have any questions, please call our toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.



September 11th  
Victim Compensation Fund

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Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: ANN BORELLO





September 11th  
Victim Compensation Fund

## Award Detail

Claim Number: VCF0037628  
Decedent Name: GAETANO BORELLO

PERSONAL INJURY CLAIM (Losses up to Date of Death)	
<b>Lost Earnings and Benefits</b>	
Loss of Earnings including Benefits and Pension	\$0.00
Mitigating or Residual Earnings	\$0.00
<b>Total Lost Earnings and Benefits</b>	<b>\$0.00</b>
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Disability Pension	\$0.00
Social Security Disability Benefits	\$0.00
Workers Compensation Disability Benefits	\$0.00
Disability Insurance	\$0.00
Other Offsets related to Earnings	\$0.00
<b>Total Offsets Applicable to Lost Earnings</b>	<b>\$0.00</b>
<b>Total Lost Earnings and Benefits Awarded</b>	<b>\$0.00</b>
<b>Other Economic Losses</b>	
Medical Expense Loss	\$0.00
Replacement Services	\$0.00
<b>Total Other Economic Losses</b>	<b>\$0.00</b>
<b>Total Economic Loss</b>	<b>\$0.00</b>
<b>Total Non-Economic Loss</b>	
<b>Subtotal Award for Personal Injury Claim</b>	



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<b>DECEASED CLAIM (Losses from Date of Death)</b>	
<b>Loss of Earnings including Benefits and Pension</b>	
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Survivor Pension	\$0.00
SSA Survivor Benefits	\$0.00
Worker's Compensation Death Benefits	\$0.00
Other Offsets related to Earnings	\$0.00
<b>Total Offsets Applicable to Loss of Earnings and Benefits</b>	<b>\$0.00</b>
<b>Total Lost Earnings and Benefits Awarded</b>	
<b>Other Economic Losses</b>	
Replacement Services	\$0.00
Burial Costs	
<b>Total Other Economic Losses</b>	
<b>Total Economic Loss</b>	
<b>Non-Economic Loss</b>	
Non-Economic Loss - Decedent	
Non-Economic Loss - Spouse/Dependent(s)	
<b>Total Non-Economic Loss</b>	
<b>Additional Offsets</b>	
Social Security Death Benefits	
Life Insurance	
Other Offsets	\$0.00
<b>Total Additional Offsets</b>	
<b>Subtotal Award for Deceased Claim</b>	



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<b>Subtotal of Personal Injury and Deceased Claims</b>	
PSOB Offset	\$0.00
Prior Lawsuit Settlement Offset	\$0.00
<b>TOTAL AWARD</b>	
<b>Factors Underlying Economic Loss Calculation</b>	
Annual Earnings Basis (without benefits)	
Percentage of Disability attributed to Eligible Conditions - applicable to Personal Injury losses	
Start Date of Loss of Earnings Due to Disability - applicable to Personal Injury losses	

<b>Eligible Conditions Considered in Award</b>
Malignant Neoplasm - Multiple Myeloma

# Solatum Claimants' Affidavits

Christine Arnold

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X  
JILL ACCARDI, et al.,

**AFFIDAVIT OF  
CHRISTINE ARNOLD**

Plaintiffs,

21-CV-06247 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X

STATE OF MAINE            )  
                                  : SS  
COUNTY OF YORK         )

CHRISTINE ARNOLD, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at [REDACTED].
2. I am currently 61 years old, having been born on [REDACTED].
3. I am the daughter of Decedent, Gaetano Borello, upon whose death my claim is based, and submit this Affidavit in connection with the present motion for a default judgment and in support of my solatium claim.
4. My father passed away from multiple myeloma on February 2, 2012, at the age of 72. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

5. My Dad was an FDNY Battalion Chief, and I am his eldest daughter. My Dad was somewhat of a Renaissance man, and his behavior and way of being has deeply influenced the person I am today. He was curious and engaged with life. He could cook, loved gardening, hunting, fishing, reading, music and could fix anything. Growing up, my Dad was the fun one: he was a Little League coach, organized a Summer Olympics for the kids on the block, played running bases, took us crabbing, fishing, camping and to Mets baseball games. My Dad loved being outdoors and I have fond memories of helping him with his tropical fishes and raising quails, ducks and rabbits. He instilled a love of nature and the great outdoors into my life. He valued education, reading, and doing what it took to get the job done. Watching him read each day, hold study group for the next fire department test, care for our home which he built himself, and care for his family, he role modeled love, focus, curiosity and perseverance. His hard work and devotion have left me with a love for learning, a strong work ethic, and a deep appreciation of family. I have too many special memories of him as a child and an adult to share here, but his impact on my life has been profound.

6. My Dad was a retired Battalion chief in lower Manhattan. When he learned of the attack on the towers, he and I believe my uncle ( a retired FDNY Captain) went to the site to help. Initially, in the first few days of the search effort, they expected that they would find survivors. My brother-in-law, a Brooklyn based firefighter, was also on site. He had been relieved that morning and while driving home, heard of the attack and went back to the Towers. My Dad lost multiple friends and former colleagues. As time passed and my Dad realized that this was not a recovery effort, he went to various firehouses to console and counsel the men and women of the FDNY. He went to events at the Tower site and served as the secretary or treasurer in the FDNY Officer association.



7. We first noticed something was going on with my Dad's health when they found a shadow/spot on a Lung -x-ray in 2003-2004. It wasn't lung cancer, but it was the beginning of his fight with Multiple Myeloma that would ultimately take his life eight years later. Those eight years were a continuous struggle of trying to keep the disease at bay. The medication he had to take, like Thalidomide, caused him to lose his sense of taste and gave him neuropathy in his feet. For this man who loved to eat, not tasting his food was hard to take. His sense of smell was affected as well, so he lost his desire to cook or bake. The neuropathy and back pain made it hard for him to engage in his love of walking and hiking, which he had previously done several times a week with friends. He was fatigued and couldn't do his normal outdoor activities in the yard or around the house. He rarely complained and followed all the advice and counsel of his oncologist. He eventually had a Stem Cell replacement in the hopes of remission. After this six-week ordeal, he was further weakened and vulnerable, so my parents did not travel, go to church, or attend any family events for a many months. He would get "better" for many months but then have a terrible drop in his platelets. He would then have to receive blood/platelets every three months. His life revolved around his disease and his fight to keep on living.

8. As the eldest daughter, my sense of place in the world changed. I lost my first love and my first friend. I lost the love, stability, security, and support that I received from my Dad. He passed one week before seeing his beloved NY Giants win the Superbowl, two months before seeing his first grandchild graduate from college, and two months before seeing me graduate from graduate school. He had previously set up education funds for his children and grandkids. I am saddened by all the things he will miss seeing and doing with his family. No more Superbowl parties, trips, holidays, long walks, outdoor projects, and wise counsel from Papa to his grandkids. I went into counseling to deal with the loss and grief that I was feeling as well as the unfairness of losing him. The quality of my life is what I make of it, but



it has been diminished from not having my Dad in my life and the lives of my family.

*Christine Arnold*

CHRISTINE ARNOLD

Sworn before me this

23<sup>rd</sup> day of Oct., 2023

*Susan A McCleary*  
Notary public

Susan A McCleary

Notary Public, State of New Hampshire

My Commission Expires Feb. 3, 2026

Michael Borello

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

----- X  
JILL ACCARDI, et al.,

**AFFIDAVIT OF  
MICHAEL BORELLO**

Plaintiffs,

21-CV-06247 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF NEW YORK     )  
                                  : SS  
COUNTY OF SUFFOLK     )

MICHAEL BORELLO, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at  
[REDACTED]
2. I am currently 53 years old, having been born on [REDACTED].
3. I am the son of Decedent, Gaetano Borello, upon whose death my claim is based, and submit this Affidavit in connection with the present motion for a default judgment and in support of my solatium claim.
4. My father passed away from multiple myeloma on February 2, 2012, at the age of 72. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

5. Gaetano Borello was my father. He was a NYC firefighter for over 30 years, but his first occupation and purpose in life was being a family man who spent his life in the service of his friends and community. He valued family, love, food, laughter, and kindness as pillars of living a life of honor. In every endeavor that my father undertook, he strove for excellence. Whether it was the lifelong challenge of working himself up the chain of command of the NYC Fire Department, from firefighter eventually to Deputy Chief, to making the most beautiful backyard pond in his prized yard, he approached things with a mindset of finding a way to succeed.

6. It is almost impossible to recount all the wonderful memories or summarize the impact that my father had on me and on the people whose lives he touched. However, I can share a few words that symbolize what he stood for and that I constantly try to live by in his honor: courage, bravery, perseverance, kindness, love, and laughter. I miss so many things that I don't get to share with him anymore. I will miss watching Giants games together on Sunday followed by dinner with the family (and I mean the WHOLE family). I will miss doing construction projects with him where I got to see firsthand the skill and knowledge he had with building and fixing things. I will miss family trips with his grandkids and the extended family. Most of all, I will miss all the times that I got to just talk with him and be in his loving presence. Those memories are the simplest in nature, but the most treasured.

7. At the time of September 11, 2001, my father was a retired FDNY firefighter. Following the attacks, my father and several other retired firefighters, including my uncle, Francis Curry, went to Ground Zero to participate in the ongoing rescue and recovery efforts. He would participate in these efforts for several days, where he was exposed to dust and debris that we now know to have been toxic.

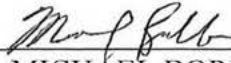
8. In 2005, my father had a biopsy done that found atypical plasma cells consistent with a malignant neoplasm. Subsequent tests would later confirm a diagnosis of multiple myeloma. Over the course of the subsequent seven years, he would fight the condition. There were some periods where his health would get better, but generally, his health gradually declined over the years. Despite this, he fought so hard to try and live his "normal" life and he never allowed the cancer to take his spirit. However, his body and mind were just too weakened from the treatments. He suffered from neuropathy and lost his ability to taste and smell. He also suffered from back pain that severely limited his physical capability. The reality was that he was not able to fully experience the many things that gave him joy. Eventually, he passed away on February 2, 2012, due to World Trade Center related myeloma.

9. I doubt anyone would say that the loss of a loved one did not have an effect on them. In my case, the impact was both positive and negative. It was positive in the way that losing him made me want to keep his spirit alive. I had to think hard about the great times that I spent with him and the memories that we shared together. I do this even now. When I do, it feels good to remember him. I am consistently reminded of his presence as well as the joy and meaning that he tried to bring to all our lives. I feel his love and that is a great source of comfort. On the other hand, there are times when I feel angry and cheated by the fact that the cancer took him from all of us too early. This is especially the case because of the way that it took a toll on his life in the many years he battled it.

10. Moreover, my youngest son James, who is now 14, did not get to know my father. My father passed when James was only 3. As a result, he has limited memories of their time together. I have spent his whole life sharing my father with James through photos, stories, and activities, so that James would get a sense of the man he was. Though it has worked to a degree



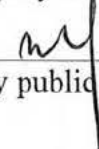
and James has become a kindred spirit of my dad in many ways (particularly their love of food), nothing could have given me more joy than to see the two of them at Sunday dinner sharing a plate of spaghetti and meatballs and some laughs.

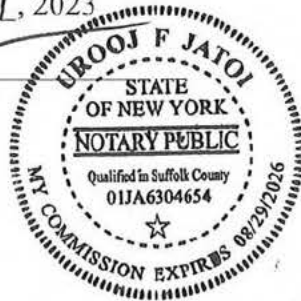


MICHAEL BORELLO

Sworn before me this

3 day of Nov, 2023

  
Notary public



Thomas Borello

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

----- X  
JILL ACCARDI, et al.,

**AFFIDAVIT OF  
THOMAS BORELLO**

Plaintiffs,

21-CV-06247 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF NEW JERSEY     )  
                                      : SS  
COUNTY OF ESSEX         )

THOMAS BORELLO, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at  
[REDACTED]
2. I am currently 60 years old, having been born on [REDACTED]
3. I am the son of Decedent, Gaetano Borello, upon whose death my claim is based, and submit this Affidavit in connection with the present motion for a default judgment and in support of my solatium claim.
4. My father passed away from cardiopulmonary arrest due to or as a consequence of multiple myeloma on February 2, 2012, at the age of 72. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.



5. Gaetano Borello was my father, and he was the definition of a “family man”. Nothing in life was more important to him than his wife and his four children. My father was also a proud member of the New York City Fire Department where he worked for over 30 years and rose to the rank of Deputy Chief. While my father loved the camaraderie of his fellow firemen, anytime spent away from his duties was spent with his family. My father devoted all his time to his children; he coached our baseball teams, took us on fishing trips in the Great South Bay, and took us boys deer hunting and trout fishing. He shared his love of nature, and some of my best memories are of our family camping trips. They sometimes included our extended family, where we would spend the week with Aunts, Uncles, and all our cousins. We would play sports, hike, play cards, and tell stories around the campfire. When my father had retired, we took fantastic family trips to Italy and Disney World with all 12 grandchildren.

6. My father had been retired for several years when the 9/11 tragedy occurred. However, like many retired firemen, he was shocked at how many firefighters lost their lives. Many of the fallen were men he worked with, or more sadly, were the sons of his fellow retirees. I think this is why he felt the need to spend weeks at the WTC Exposure Zone searching through the rubble, desperate for any chance of finding victim remains, and why he made a point of attending every funeral possible. He wanted to show his respect for those who paid with their lives that day.

7. My father was not the kind of man who shared bad news until he had to, so it wasn't until the doctors diagnosed the spot on his rib that my father shared that he was diagnosed with Multiple Myeloma. Since I lived in New Jersey with my wife and three small children, I didn't experience his day-to-day treatment routine, but I do remember when he had to have a bone

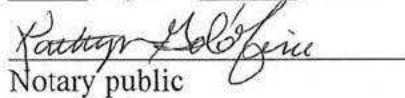
marrow transfer and had to be quarantined in the hospital for 1 to 2 months. We all tried to visit as much as we could and as much as was allowed. However, I know that he was lonely and depressed having to spend so much time in isolation away from his family, particularly away from my mother.

8. My father finally succumbed to Multiple Myeloma in February of 2012. Although my mother survived him, she never really recovered from the loss of the man she loved and had been married to for 52 years. No longer a child, I lost a friend and confidant, never realizing how much I leaned on him for advice and guidance. I'm particularly grateful that all three of my children got to spend as much time as they did with my father when he was alive, but I'm also sad that he never got to see them as they grew older, finishing college and beginning their adult lives.

  
THOMAS BORELLO

Sworn before me this

2<sup>nd</sup> day of November, 2023

  
Notary public

